

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JULY 6, 1993

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, July 6, 1993, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	Member
William D. Stevenson, Sr.	Member

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 268 93
Approve
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting dated June 29, 1993. Motion Adopted by Voice Vote.

Corre-
spondence

Mr. Bayard, County Attorney, read the following correspondence:

U. S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT, PHILADELPHIA, PENNSYLVANIA.
RE: May 1993 Information Bulletin entitled "DELAWARE COAST - CAPE HENLOPEN TO FENWICK ISLAND, DELAWARE, A Shoreline Protection Study".

CHESAPEAKE PUBLISHING CORPORATION, INC., SEAFORD, DELAWARE.
RE: Premiere Edition of Sussex County Business Ledger, a new monthly publication designed to serve area business leaders.

Milford
Chamber of
Commerce
Presenta-
tion

Judy Diogo, Executive Director of the Milford Chamber of Commerce, presented Council with "World Championship Weakfish Tourney 1993" caps as a token of thanks for Council's financial support of the 15th Annual Tournament.

Legislative
Update

Mr. Stickels, County Administrator, provided the following legislative update:

House Bill No. 249

AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE RELATING TO DOGS.

This Bill increases the various license fees and monetary penalties relating to dogs.

This Bill was not passed by the General Assembly.

Legislative
Update
(continued)

House Bill No. 250

AN ACT TO AMEND CHAPTER 17, TITLE 7 OF THE DELAWARE CODE RELATING TO DOGS.

This Act provides the counties and the municipalities with the authority to set the fines and penalties for violating the dog control laws of this State.

This Bill was not passed by the General Assembly, but has the support of the Governor and is expected to be brought back for possible action in January 1994.

Paramedic Training

The attempt to have paramedic training sites established in all three counties of the State failed to receive any support from the General Assembly. However, the Southern Campus of Delaware Technical & Community College has instituted a two year program through which a total of 34 credits may be received towards an associate degree by anyone who has successfully completed national paramedic training. Delaware Technical & Community College has agreed to cooperate with the County in setting up classes that are flexible to accommodate work schedules. Mr. Stickels will continue to work with the State to establish training programs in each of the three counties.

House Bill (Unnumbered)

AN ACT TO AMEND TITLE 9, CHAPTERS 3, 11 AND 81 AND TITLE 21, CHAPTER 23 OF THE DELAWARE CODE RELATING TO THE POWER OF COUNTY GOVERNMENTS TO IMPOSE AND COLLECT A TAX UPON THE TRANSFER OF THE TITLE OF A MOBILE HOME OR HOUSE TRAILER.

This Act grants to the County governments the power and authority to impose and collect a tax upon the transfer of mobile homes or house trailers, which are otherwise subject to property taxes; prohibits transfer of the title by the Division of Motor Vehicles of the Department of Public Safety until all transfer taxes levied by the Counties have been paid in full; and provides for the County governments to adopt an ordinance or ordinances to administer and regulate the tax adopted pursuant to this Act.

This Bill received only one sponsor and appears now to be a dead issue, as an increase of three-fourths of one percent in the State of Delaware document tax was incorporated into the State Bond Bill, raising the State's document tax to $2\frac{3}{4}$ percent.

Legislative
Update
(continued)

House Bill No. 309

AN ACT TO AMEND CHAPTER 61, TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES.

This Bill assesses a 1.8% Lodging Tax to be designated to an authorized organization for a convention or civic center in each county.

This Bill was opposed by all of the Chambers of Commerce in Sussex County and was not passed by the General Assembly.

House Bill No. 230

AN ACT TO AMEND TITLE 9, CHAPTER 69, OF THE DELAWARE CODE RELATING TO THE POWER OF THE BOARD OF ADJUSTMENTS OF SUSSEX COUNTY, TO HEAR VARIANCES.

This Amendment adds "exceptional practical difficulty" as a standard in addition to "unnecessary hardship" for the Sussex County Board of Adjustment to grant a variance from the terms of the Zoning Ordinance. This Amendment brings Sussex County's Board of Adjustment into conformity with similar statutes applicable to municipalities and the other Counties.

This Bill passed both the House and Senate and is awaiting the Governor's signature.

House Bill No. 255

AN ACT TO AMEND CHAPTER 70, TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY PROCEDURE.

This Bill would delete the requirement that the Sussex County Council meet on a weekly basis to make Sussex County's ordinance conform with that of Kent County and New Castle County.

This Bill passed both the House and Senate and is awaiting the Governor's signature.

State Bond Bill

The following requests were deleted from the Bond Bill:

1. A request in the amount of \$150,000 for an infrastructure study of the Nanticoke Watershed area;
2. A request in the amount of \$90,000 for the purchase of a generator for the Sussex County Industrial Park.

Legislative
Update
(continued)

However, the Bond Bill does include funding for the initial payment to the Sussex County Council for purchase of the Courthouse, contingent on the sale taking place to the State of Delaware. Mr. Stickels advised that Vincent P. Meconi, Secretary of the Delaware Department of Administrative Services, is scheduled to appear before Council on Tuesday, July 20, 1993, to discuss the purchase of the Sussex County Courthouse and present an offer for Council's consideration.

House Bill No. 293

AN ACT TO AMEND TITLE 16, CHAPTER 98 OF THE DELAWARE CODE RELATING TO PARAMEDIC SERVICES.

This Act effectuates the transfer of the Office of Paramedic Administration from the Division of Public Health, Department of Health and Social Services to the Department of Public Safety.

This Bill did not receive any support and was not acted on.

House Bill No. 321 (Substituted for House Bill No. 270 which was withdrawn)

AN ACT TO AMEND TITLE 29, DELAWARE CODE, ESTABLISHING A WATER RESOURCE FACILITIES ADVISORY COUNCIL.

This legislation would create a Water Resource Facilities Advisory Council, comprised of seven members, appointed by the Governor with consent of the Senate. The Council would establish standards for obtaining financing for repair and expansion of water and wastewater services, prepare evaluations of current and long range requirements and make recommendations to the Governor for funding infrastructure improvements.

This Bill was withdrawn at the request of the Governor. The Governor has pledged to establish a committee, program, and funding by January 1994 regarding this issue.

House Bill No. 239

AN ACT TO REDESIGNATE EXISTING CHAPTER 74A OF TITLE 16 OF THE DELAWARE CODE AS CHAPTER 100 OF TITLE 16 OF THE DELAWARE CODE, AND TO ADD A NEW CHAPTER 101 TO CHAPTER 16 OF THE DELAWARE CODE TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A TRUST FUND TO BE USED TO REIMBURSE GOVERNMENTAL COSTS ASSOCIATED WITH 911-ENHANCED EMERGENCY REPORTING SYSTEMS.

Legislative
Update
(continued)

This Bill would create a new 911 Trust Fund to reimburse State and local governments for costs incurred in the design, installation or maintenance of a 911-Enhanced Emergency Reporting System. The 911 Trust Fund would be managed by a Board of Trustees headed by the Secretary of Public Safety. The members of the Board of Trustees would be appointed by the Governor from specified constituencies having an interest in the 911-Enhanced Emergency Reporting System. The 911 Trust Fund would be funded by a nominal monthly surcharge on all subscribers to residential dial tone line service in Delaware.

This Bill was not supported by the Governor nor his administration and was not released from committee. Karen L. Johnson, Secretary of the Delaware Department of Public Safety, did not support the Bill as written. Mr. Stickels stated that new legislation will be drafted by September of this year for review and possible action in January 1994.

M 269 93
Executive
Session

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council authorizes an Executive Session to be held this date, July 6, 1993, in the Sussex County Council Chambers immediately following Council's regular session for the purpose of discussing pending litigation.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Proposed
Ordinance

Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY RELATING TO REVIEW AND INSPECTION FEES". The Proposed Ordinance will be advertised for Public Hearing.

Adminis-
trator's
Report

Mr. Stickels, County Administrator, reviewed the following information in his County Administrator's Report:

1. Recyclers of the Month

Mr. Charles K. Winchester of Bridgeville, Delaware, and Mr. Thomas A. Rigby, Jr., of Seaford, Delaware, were the recipients of the two \$50 U. S. Savings Bonds for participating in the County's Recycling Program during the month of June. Five hundred sixty-six people

Adminis-
trator's
Report
(continued)

participated in the Recycling Program during the month compared to 455 during the month of May.

2. Cape Concert

The Delaware Symphony Orchestra will be performing at the University of Delaware's College of Marine Studies, 700 Pilottown Road, Lewes, Delaware, on Saturday, July 10, 1993. The Cape Concert will start at 8:00 p.m. Sussex County Council is again participating in assisting with financial support for this program.

3. Great American Race

The 1993 Great American Race will arrive in Georgetown on Saturday, July 10, 1993. The first car is expected to arrive at 9:00 a.m., and the last car is anticipated to be leaving Georgetown at 10:45 a.m. The 1993 Great American Race features over 80 antique vehicles. The entire race is 4,250 miles and started June 27, 1993, in Huntington Beach, California, and will end in Norfolk, Virginia, on July 10, 1993. Each racing team will be provided with a Sussex County map, Delaware map, stick-on chickens, and a car litter bag.

Transfer
of House-
hold Waste
Disposal
to DSWA

Mr. Stickels, County Administrator, reported that the transfer of household waste disposal as of July 1, 1993, to the Delaware Solid Waste Authority (DSWA) has been relatively smooth. Negotiations are ongoing with the Towns of Bridgeville and Laurel for the operation of two additional sites by the Delaware Solid Waste Authority to be on line by September 1993. Initially, these two sites will be open just one day a week; however, hours will be extended to meet the demand if necessary. Mr. Stickels also stated that the "Multiple Use Tickets" required to allow for disposal of household waste at the DSWA sites are available for purchase from the Sussex County Solid Waste Department at 11 South Race Street, Georgetown, Delaware, from 9:00 a.m. to 4:00 p.m., Monday through Friday, for anyone interested.

Presenta-
tion of
American
Flag

Mr. Stevenson announced that Senator William V. Roth, Jr., will be presenting an American Flag that has been flown over the Capitol to the Georgetown VFW Post at 2:30 p.m., this date, July 6, 1993. The public is welcome to attend this presentation.

M 270 93
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to grant \$265.00 (from Mr. Collins' Councilmanic Account) to

M 270 93
(continued)

the Millsboro Public Library to be used towards the purchase of a workstation and chair for their computer system.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Constituent
Concerns

Mr. Dukes discussed the following concerns recently voiced by constituents in his district:

1. Zoning violations near Lowes Crossroad - Mr. Lank, Director of Planning and Zoning, reported that the property owner in question has been cited for numerous violations and has been given ten days to bring the property into compliance with the County's Zoning Ordinance.
2. Unsightly weeds and grass, Bryan Park, Seaford - Violations of the County's Ordinance regarding tall weeds and grass are prosecuted through the Court of Chancery. With penalties and fines at the present time being very minimal, Mr. Stickels, County Administrator, will review the existing Ordinance for suggested revisions.
3. Directional sign infractions - Since varying regulations apply to different types of signs, it was agreed that Mr. Fred Schranck, attorney for the Delaware Department of Transportation, will be contacted to meet with Council for the purpose of reviewing the regulations applicable to directional signs.

Luncheon
Meeting

Mr. Baker, Finance Director, advised that a luncheon meeting with Council and representatives of the County's new accounting firm, Wade & Santora, will be held this date, July 6, 1993, at the Blue-Gold Inn in Georgetown at 11:45 a.m. The public is welcome to attend.

Delinquent
Tax Sales

Mr. Collins questioned the status of delinquent tax sales. Mr. Stickels, County Administrator, advised that Mr. Gibbs, Assistant County Attorney, has been given the authority to proceed with the sale of six parcels which are presently pending. As legal fees associated with the collection of delinquent taxes are often quite costly, legislation is proposed to be introduced in the General Assembly in

Delinquent
Tax Sales
(continued)

January 1994 which would allow the County to collect legal fees for delinquent tax sales.

Controlled
Burning

Mr. Cole expressed concern regarding controlled burning of brush and debris in areas of the County which are not compatible with such activity. Although proper approval and permits are obtained, burning in highly populated residential areas, such as the Coastal Land Use Planning Area, is becoming increasingly annoying to the residents, and efforts should be made to curtail this activity. Mr. Stickels, County Administrator, and Mr. Lank, Director of Planning and Zoning, will work on drafting a Proposed Ordinance addressing this issue for Council's consideration.

M 271 93
Recess

At 10:50 a.m., a Motion was made by Mr. Cole, seconded by Mr. Collins, to recess until 11:00 a.m. for an Executive Session. Motion Adopted by Voice Vote.

Executive
Session

An Executive Session of the Sussex County Council was held commencing at 11:00 a.m. in Council Chambers for the purpose of discussing pending litigation. The Executive Session concluded at 11:28 a.m.

M 272 93
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 11:29 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Susan W. Webb

Susan W. Webb
Acting Clerk of the County Council